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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. **2010-495**

11 **SORAYA SANSON JUAN**  
12 **aka Soraya Sanson Nuno**  
13 **aka Soraya Juan**  
14 **aka Juan Soraya**  
15 **aka Soraya Nuno Juan**  
16 **aka Soraya A. Nuno**  
17 **aka Soraya Nuno**

**A C C U S A T I O N**

18 **1682 Almond Blossom Lane**  
19 **San Jose, CA 95124**

20 **Registered Nurse License No. RN 476935**

21 **Respondent.**

22 **Complainant alleges:**

23 **PARTIES**

24 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
25 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
26 of Consumer Affairs.

27 2. On or about March 31, 1992, the Board of Registered Nursing issued Registered  
28 Nurse License Number RN 476935 to Soraya Sanson Juan, aka Soraya Sanson Nuno, aka Soraya  
Juan, aka Juan Soraya, aka Soraya Nuno Juan, aka Soraya Nuno (Respondent). The Registered  
Nurse License was in full force and effect at all times relevant to the charges brought herein and

1 will expire on January 31, 2012, unless renewed.

2 **JURISDICTION**

3 3. This Accusation is brought before the Board of Registered Nursing (Board),  
4 Department of Consumer Affairs, under the authority of the following laws. All section  
5 references are to the Business and Professions Code unless otherwise indicated.

6 **STATUTORY PROVISIONS**

7 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,  
8 that the Board may discipline any licensee, including a licensee holding a temporary or an  
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the  
10 Nursing Practice Act.

11 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license  
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the  
13 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the  
14 Code, the Board may renew an expired license at any time within eight years after the expiration.

15 6. Section 2761 of the Code states, in pertinent part:

16 The board may take disciplinary action against a certified or licensed nurse or deny an  
17 application for a certificate or license for any of the following:

18 (a) Unprofessional conduct . . . .

19 . . .

20 (d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
21 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice  
22 Act] or regulations adopted pursuant to it.

23 7. California Welfare and Institutions Code section 15610.30 states:

24 (a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does  
25 any of the following:

26 (1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or  
27 dependent adult for a wrongful use or with intent to defraud, or both.

28 (2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal

1 property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

2 (3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting,  
3 appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by  
4 undue influence, as defined in Section 1575 of the Civil Code.

5 (b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or  
6 retained property for a wrongful use if, among other things, the person or entity takes, secretes,  
7 appropriates, obtains, or retains the property and the person or entity knew or should have known  
8 that this conduct is likely to be harmful to the elder or dependent adult.

9 (c) For purposes of this section, a person or entity takes, secretes, appropriates, obtains, or  
10 retains real or personal property when an elder or dependent adult is deprived of any property  
11 right, including by means of an agreement, donative transfer, or testamentary bequest, regardless  
12 of whether the property is held directly or by a representative of an elder or dependent adult.

13 (d) For purposes of this section, "representative" means a person or entity that is either of  
14 the following:

15 (1) A conservator, trustee, or other representative of the estate of an elder or dependent  
16 adult.

17 (2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the  
18 power of attorney.

19 8. California Code of Regulations, title 16, section 1444, states:

20 A conviction or act shall be considered to be substantially related to the qualifications,  
21 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
22 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
23 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

24 (a) Assaultive or abusive conduct including, but not limited to, those violations listed in  
25 subdivision (d) of Penal Code Section 11160.

26 (b) Failure to comply with any mandatory reporting requirements.

27 (c) Theft, dishonesty, fraud, or deceit.

28 (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the

1 Penal Code.

2 **COSTS**

3 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
4 administrative law judge to direct a licensee found to have committed a violation or violations of  
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
6 enforcement of the case.

7 **CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct/Elder Abuse)

9 10. Respondent is subject to disciplinary action under Code section 2761, subsections (a)  
10 and (d), and under California Code of Regulations, Title 16, section 1444, in that she acted  
11 unprofessionally, abusively, dishonestly, fraudulently and deceptively, as follows:

12 11. In 2006, Respondent was employed as a home care nurse by TLC Health Care  
13 Services, Inc., dba Tender Loving Care, in San Jose, California. Respondent provided home care  
14 nursing during this time to patient E.N.<sup>1</sup>

15 12. On or about September through October, 2006, Respondent cashed several checks  
16 made out against patient E.N.'s bank account. The checks totaled approximately \$46,500.00.  
17 Respondent forged the checks, or accepted them from patient E.N. when Respondent knew, or  
18 should have known, that it was improper for her to take said checks from patient E.N. In so  
19 doing, Respondent took, secreted, appropriated, obtained, or retained property of an elder or  
20 dependent adult for a wrongful use or with intent to defraud, or both, and by the use of undue  
21 influence.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Board of Registered Nursing issue a decision:

25 1. Revoking or suspending Registered Nurse License Number RN 476935, issued to  
26 Respondent;

27 \_\_\_\_\_  
28 <sup>1</sup> Patient E.N.'s name is withheld to protect patient privacy.

1           2.    Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of  
2 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
3 125.3;

4           3.    Taking such other and further action as deemed necessary and proper.

5  
6 DATED: 4/13/10           *Louise R. Bailey*  
7                               LOUISE R. BAILEY, M.ED., RN  
8                               Interim Executive Officer  
9                               Board of Registered Nursing  
10                              Department of Consumer Affairs  
11                              State of California  
12                              Complainant